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YELLOW CORPORATION

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U.S. Department of Transportation  
Federal Highway Administration  
Docket Clerk  
US Dockets, Room PL-401  
400 Seventh Street, SW  
Washington DC 20590-0001

RE: Docket No. FHWA-98-3706 -10  
RIN 2125-AD52

Gentlemen:

Yellow Corporation on behalf of its operating motor carriers, Yellow Freight System, Preston Trucking Company, Saia Motor Freight and WestEx, wishes to submit comments on the proposed amendments to hours-of-service recordkeeping requirements.

Yellow Corporation and its subsidiaries provide international transportation services predominately in the less-than-truckload (LTL) market. As a LTL motor carrier, we operate between distinct terminal locations that have been established considering FHWA's hours of service regulations. Operating between fixed terminal locations provides us the opportunity to monitor drivers hours-of-service without maintaining considerable supporting documents. For example, Yellow Freight System drivers prepare a trip ticket or time card to be used for payroll documentation. Whether the driver is paid on a mileage basis or paid hourly, these documents become the key source to verify the driver's record of driving status (RODS). For drivers returning to local terminals or reaching fixed destinations within the allowable hours of service, it is unnecessary to examine a multitude of supporting documents. This payroll document has been the main documentation used by the US DOT agents in auditing driver's HOS compliance. To develop new recordkeeping requirements that expands the documentation to all relevant material used during a tour of duty will place overwhelming burdens on LTL carriers and we believe is unjustified to monitor compliance with hours-of-service requirements.

We recognize our responsibility to monitor and verify the drivers written report of their hours-of-service, however it is critical that motor carriers be allowed to develop monitoring systems based upon the most readily available documentation. Placing added recordkeeping requirements or expanding the content of the required documentation not only burdens the motor carrier, it stifles creativity development of future applications through technology.

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The primary focus of this rulemaking should be to ensure that motor carrier use available resources to monitor drivers hour-of-service without placing additional burdens in maintaining numerous documents. This would allow carriers such as Yellow Freight System to develop new automated driver log verification and monitoring systems.

The NPRM asked for comments to specific question. Our responds to those questions are as follows:

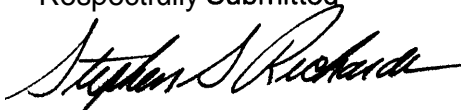
1. We believe that any software application that compares internal documents to the drivers RODS to determine compliance should be acceptable as a self-monitoring system. The rulemaking should not limit a self-monitoring system to any specific applications and must give great latitude in allowing a carrier's self-monitoring program.
2. The only conditions that should be considered in determining if the motor carrier must change its self monitoring system should be those directly related to errors/violations in the RODS or repeated violations of HOS. Accidents and vehicle out of service reports may lead to audits of RODS but should not be a direct contributing factor in disallowing a self-monitoring system. For example, accident frequency rates may increase due to responsibility of other parties, yet unrelated to the carrier's method of auditing its drivers HOS. Out of service violations or frequency of accidents are not a direct indicator of when a carriers monitoring system is not working.
3. Whenever a carrier requests additional authority that expands the carriers operation more than 20% a compliance audit by the Office of Motor Carriers should be required. Failure of the carrier to meet the standards for a satisfactory safety rating should result in a denial of the requested authority.
4. Whether it is a self-monitoring system or an alternative system it should be disallowed only when it fails to meet the compliance standards. The NPRM should establish these compliance standards in order that carriers know the appropriate thresholds. If any monitoring system allows driver's violations in excess of the compliance threshold and did not identify the problem then the system is not working and should be modified.
5. No comment on this question.
6. The rulemaking standards must recognize that carriers operations, recordkeeping methods and available technology will result in differing monitoring programs. Waivers to these standards must be taken into consideration on a case-by-case basis to avoid the one-size fits all approach.

7. The underlining criteria to any alternative to written RODS must be developed to collect and present the driver's HOS and be verifiable by the driver through either a code or capturing a signature electronically. The critical issue is to have the driver become part of the process as if he is was actually preparing the RODS in his own handwriting. Only when all parties requiring HOS information have the most advance technology can alternative systems fully replace the current requirement.
8. Any expansion of the six-month rule for retention of driver's logs would significantly increase the administrative costs to the motor carrier. The number and type of records required to be maintained greatly influences this burden to motor carriers. If, for example, all supporting records are required to be maintained, an unjustly high cost and burden will occur. Unless the carrier is being reviewed for a pattern of HOS violations six months is more than adequate to determine normal compliance. Enforcement guidelines can be developed that would require no more than six months of records.
9. We see no benefit to longer retention requirements. A carrier violating HOS can be identified quickly and easily. Six months of records and driver verification will produce enough evidence to prosecute a bad carrier and remove it from the public highways. Having a year of records will not enhance enforcement or aid in prosecution of a bad carrier.

Developing guidelines that provide flexibility for a carrier to recognize operational limitations (terminal to terminal), methods of driver pay or other supporting documents in monitoring drivers HOS is critical to any new rulemaking. To place added burdens for additional supporting documents will not benefit the safety aspects of hour-of-service compliance. If carriers can verify the accuracy of driver's RODS with a single document and have the ability to automate that process, they should not be burdened with requirements to maintain and utilize all documents produced during a normal tour-of-duty.

We appreciate the opportunity to comment on these proposed rules.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Stephen S. Richards". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

Stephen S. Richards